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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,824	02/13/2002	Kenneth Heath	RPS6043D1	1057

43971 7590 02/22/2006

CARDINAL HEALTH
7000 CARDINAL PLACE
LEGAL DEPARTMENT - INTELLECTUAL PROPERTY
DUBLIN, OH 43017

EXAMINER

NGUYEN, THUKHANH T

ART UNIT	PAPER NUMBER
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1722

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/075,824

Applicant(s)

HEATH, KENNETH

Examiner

Thu Khanh T. Nguyen

Art Unit

1722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10, 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over the WO 99/08857 reference in view of Zeiter et al (6,269,671).

The WO'857 references disclose an apparatus for forming pharmaceuticals blister, comprising a pin (6) having a body (14) and a concave face portion (18), a platen (16) with indicia (12) thereon, means for advancing the pin toward the platen (page 5, lines 25-27, the means for advancing the pin is inherently taught by the action of advancing the pin 6 to form the blister). The WO'857 is further capable of forming the blister and embossing the surface by keep advancing the pin into the platen so that the blister will be pushed against the platen to form an embossing on its surface.

However, the WO'857 reference fails to disclose that the pin also has indicia on its surface.

Since the WO'857 disclose the mold has an indicia to engrave on one side of the blister, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify the WO'857 by also providing the indicia on the surface of the pin, so that the blister can be embossed on both sides.

The WO' 857 reference also fails to disclose that the pin face has two frusto-conical portions having different apex angles.

Zeiter et al disclose a method and apparatus for forming shaped packaging, comprising a pin (6) having a body and a face portion, which has at least two contiguous frusto-conical portions (Fig. 10, a, b, c) having different apex angles (Fig. 10, x, y, z); a platen (8) bearing an indicia forming die (col. 5, lines 7-12) and means for advancing the pin toward the platen (col. 8, lines 61-67); wherein the pin body and the pin face comprises different materials having different friction parameters (col. 5, lines 26-60).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify by providing the pin with two frusto-conical portions having different apex angles as taught by Zeiter in order form blisters having different shapes (col. 11, lines 32-49).

In regard to claim 12, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify the WO'857 reference by providing a coating material on the pin surface as taught by Zeiter (col. 5, lines 26-28) in order to reduce friction and facilitate the removal of the forming product.

Response to Arguments

3. Applicant's arguments with respect to claims 10 and 12 have been considered but are moot in view of the new ground(s) of rejection.

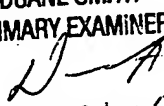
Art Unit: 1722

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Khanh T. Nguyen whose telephone number is 571-272-1136. The examiner can normally be reached on Monday- Friday, 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TN

DUANE SMITH
PRIMARY EXAMINER

2-21-06